

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

V.

ANDREI STEPHANOVICH  
BORGHERIU,

Defendant.

Case No.: 4:22-CR-6040-SAB

## EVIDENTIARY AND FACTUAL STIPULATIONS

IT IS HEREBY STIPULATED AND AGREED between the United States and the Defendant, ANDREI STEPANOVICH BORGHERIU, that the following records listed by exhibit number below are true and correct copies of records of regularly conducted activity and that, if called to testify, the custodian of records from the business or organization listed below, or its successors in interest, would establish that the records were:

(A) Made at or near the time by—or from information transmitted by—someone with knowledge;

(B) Kept in the course of regularly conducted activity of the business or organization; and

1 (C) Making the records was a regular practice of the activity of the business  
2 or organization.

3 The parties stipulate and agree that all of the following exhibits, and the content  
4 therein, fall within an exception to the rule against hearsay under Federal Rules of  
5 Evidence 803(6), records of regularly conducted activity, and are authentic under  
6 Federal Rule of Evidence 901. The documents referred to above are:

<b>Business or Organization - U.S. Small Business Administration</b>		
Ex. No.	Description	Bates Numbers
Gov't 1	Rapid Finance Application Details	90000001-1.11
Gov't 2	Rapid Intake Form Data Lookup	90000004-4.05
Gov't 3	Driver's License	90000029
Gov't 4	Business License	90000027
Gov't 6	SBA Emails	90000013, 90000008, 90000018, 90000009, 90000017, 90000019, 90000012, 90000014, 90000015, 90000016, 90000011
Gov't 7	Loan Authorization and Agreement	90000025-25.24
Gov't 8	DocuSign Certificate of Completion	90000007

15 **Business or Organization – Bank of America**

Ex. No.	Description	Bates Numbers
Gov't 9	Signature Card	50000013
Gov't 10	August 2021 Statement	50000014.027-14.036
Gov't 11	September 2021 Statement	50000014.037-14.046
Gov't 12	October 2021 Statement	50000014.047-14.056

20 **Business or Organization – Ticor Title**

Ex. No.	Description	Bates Numbers
Gov't 15	Residential Purchase and Sales Agreement	50000018.109-18.117
Gov't 16	Ticor Title Emails	50000019-19.14
Gov't 17	Order Sheet	50000018.232-18.237
Gov't 18	Closing Escrow Instructions	50000018.040-18.044
Gov't 19	Schedule A	50000018.078
Gov't 20	Final Master Statement	50000018.002
Gov't 21	Wiring Information	50000018.096
Gov't 22	Incoming Wire Receipt	50000018.007
Gov't 23	\$1.00 Check	50000018.005

1	Gov't 24	Statutory Warrant Deed	50000018.051-18.052
2	Gov't 25	Quit Claim Deed	50000018.037
3	Gov't 26	Home Inspection Report	10000083-83.25
<b>Business or Organization – Internal Revenue Service</b>			
4	Ex. No.	Description	Bates Numbers
5	Gov't 30	1040 Tax Return 2018	700000003-3.034
6	Gov't 31	1040 Tax Return 2019	700000003.035-3.053
7	Gov't 32	1040 Tax Return 2020	700000003.054-3.072
8	Gov't 33	1040 Tax Return 2021	700000003.073-3.098
9	Gov't 34	1040 Tax Return 2022	700000003.099-3.122
10	Def. 14	Internal Revenue Service Correspondence	FD_00000068-69
<b>Business or Organization – Federal Reserve Bank of New York</b>			
11	Ex. No.	Description	Bates Numbers
12	Gov't 35	Fedwire Funds Message	50000021.04
<b>Business or Organization – Washington State Department of Revenue</b>			
13	Ex. No.	Description	Bates Numbers
14	Def. 10	Business License	FD 00000062
<b>Business or Organization – Washington State Secretary of State</b>			
15	Ex. No.	Description	Bates Numbers
16	Def. 20	Amended Annual Report 2018	FD 00000200-202
17	Def. 21	Annual Report 2019	FD 00000203-205
18	Def. 22	Annual Report 2020	FD 00000206-208
19	Def. 23	Express Annual Report with Changes 2021	FD_00000209-211
20	Def. 24	Express Annual Report with Changes 2022	FD_00000212-14
21	Def. 25	Annual Report 2023	FD 00000215-217
22	Def. 26	Express Annual Report with Changes 2024	FD_00000218-220
23	Def. 19	Certificate of Formation	FD_00000221
<b>Business or Organization – U.S. Department of Transportation</b>			
24	Ex. No.	Description	Bates Numbers
25	Def. 11 (page 1)	Federal Motor Carrier Certificate	FD_00000063

This stipulation establishes the foundational authenticity and hearsay exception of the identified exhibits. The parties expressly reserve the right to object to the admission of these exhibits on any other grounds, including relevance.

1 Additionally, between the United States and the Defendant, ANDREI  
2 STEPHANOVICH BORGHERIU, HEREBY STIPULATED AND AGREE to the  
3 following facts, which will be admissible at trial:

4 • For purposes of Count 1, the EFT Payment from the U.S. Small Business  
5 Administration to Artway Transport LLC's Bank of America Account  
6 ending in 2612 in Kennewick, Washington, in the amount of \$499,900.00  
7 for EIDL No. 1397459103 constitutes an interstate wire communication.  
8 • For purposes of Count 2, the wire transfer from Artway Transport LLC's  
9 Bank of America Account ending in 2612 in Kennewick, Washington, to  
10 Ticor Title's bank account ending in 5226 with US Bank in Westminster,  
11 California, constitutes an interstate wire communication.

12  
13 AGREED TO AND PRESENTED THIS 3rd DAY OF FEBRUARY, 2025, BY:

14 Vanessa R. Waldref  
15 United States Attorney

16 /s/ Frieda K. Zimmerman  
17 Frieda K. Zimmerman  
18 Jeremy J. Kelley  
19 Assistant United States Attorneys

20 /s/ Justin Lonergan  
21 Justin Lonergan  
22 Nick Mirr  
23 Counsel for Defendant

24 **CERTIFICATE OF SERVICE**

25 I hereby certify that on February 3, 2025, I electronically filed the foregoing  
26 with the Clerk of the Court using the CM/ECF System which will notify counsel for  
27 Defendant, Justin Lonergan.  
28

29 s/ Frieda K. Zimmerman  
30 Frieda K. Zimmerman  
31 Assistant United States Attorney